

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to insert headings.

Claims 17-36 are pending in the application. Claims 1-16 have been canceled by this amendment and have been generally replaced with newly presented claims 17-36.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §112, Second Paragraph

Claims 1, 4, 6-12 and 14-16 have been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

Claims 1, 4, 6-12 and 14-16 have been canceled. New claims 17-36 are set forth in terms that are clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Art Rejections

Claims 1, 4, 5 and 13 have been rejected under 35 USC §102(b) as being anticipated by OMEROD (U.S. Patent 487,765).

Claim 1 has been rejected under 35 USC §102(b) as being anticipated by LAMSON et al. (U.S. Patent 4,673,092).

Claims 2, 3, 6-13, 15 and 16 have been rejected under 35 USC §103(a) as being unpatentable over LAMSON et al.

Claim 14 has been rejected under 35 USC §103(a) as being unpatentable over LAMSON et al. in view of FLORES (U.S. Patent 6,536,612).

These rejections are respectfully traversed.

The present invention pertains to a device for supporting barrels that is illustrated, by way of example, in Figure 1A of the application, which is reproduced below.

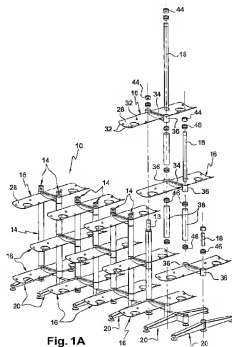
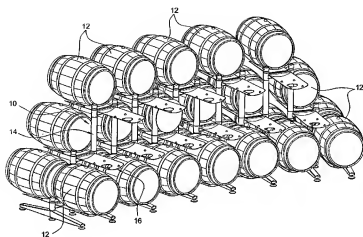


Figure 1B of the application shows the device supporting barrels, which is reproduced below.



Independent claims 17 and 29 of the present invention sets forth elements of the present invention, which include:

*"at least two posts (4);
at least one cross piece (34) forming a connection between said at least two posts; and
a curved element (28) supporting each barrel, a curved end of said curved element (28) being connected to a lateral surface of said cross piece (34) to limit a flexure of said curved element (28) relative to said cross piece."*

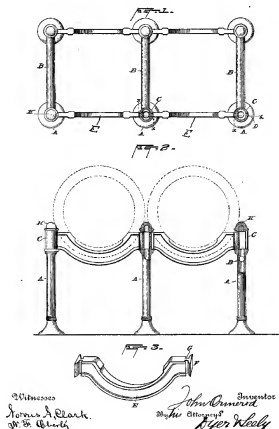
That is, according to independent claims 17 and 29 of the present invention, the device includes a cross piece forming the connection between two posts and a curved element supporting one barrel, connected in overhanging fashion to the cross piece.

According the present invention, the curved end of the curved element is connected to the lateral surface of the cross piece to limit the bending off the curved element and to keep the curved element substantially horizontal despite the weight of the

barrel while it is connected in overhanging fashion to the cross piece.

These features of the present invention are not disclosed or inferred by the applied art references.

Turning to OMEROD, this reference pertains to a sectional supporting frame, as can be seen in Figures 1-3 of the reference, which are reproduce below.



As can be seen, stretchers E are mounted in cross bars B. The stretchers E themselves are indented so as to provide a mount for cylinders used to manufacture carbonated beverages.

OMEROD does not teach "a curved element (28) supporting each barrel, a curved end of said curved element (28)

being connected to a lateral surface of said cross piece (34)," such as is set forth in independent claims 17 and 29 of the present invention. ORMEROD additionally fails to teach "at least two of said elements (28) are connected in an overhanging fashion to the cross piece (34) and are disposed on opposite sides of the cross piece (34)," such as is set forth in claims 18 and 29 of the present invention.

Turning now to LAMSON et al., this reference pertains to multi-level rack assembly. The Official Action refers to Figure 2 of LAMSON et al. which is reproduced below.

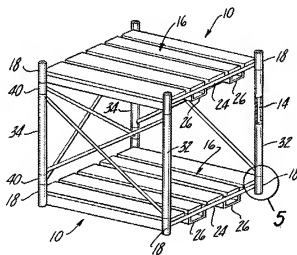


Fig - 2

Figure 2 of LAMSON et al. shows tubular portions 34 and platform portions 16. The clearly planar platform portions 16 do not provide curvature to support a barrel.

In contrast, independent claims 17 and 29 of the present invention set forth: "a curved element (28) supporting

each barrel, a curved end of said curved element (28) being connected to a lateral surface of said cross piece (34)." Further, LAMSON et al. additionally fail to teach "at least two of said elements (28) are connected in an overhanging fashion to the cross piece (34) and are disposed on opposite sides of the cross piece (34)," such as is set forth in claims 18 and 29 of the present invention.

The Official Action refers to FLORES for teachings pertaining to rollers. However, these teachings of FLORES do not address the deficiencies of LAMSON et al. discussed above.

Therefore, neither ORMEROD nor LAMSON et al. anticipate a claimed embodiment of the present invention. One of ordinary skill and creativity would fail to produce a claimed embodiment of the present invention from a knowledge of LAMSON et al., alone or combined with FLORES. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

In the Official Action a copy of the PTO-1449 Form filed May 19, 2006 was made of record with the references crossed out. However, it is respectfully noted that the references were cited in the International Search Report and should have been forwarded from the International Search Authority. The Examiner

is accordingly respectfully requested to consider these publications when they are forwarded to the USPTO.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejections are believed to have been overcome, obviated or rendered moot, and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert E. Goozner/
Robert E. Goozner, Reg. No. 42,593
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REG/fb